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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 FAIR HOUSING CENTER OF
9 WASHINGTON,

10 Plaintiff,

11 v.

12 BREIER-SCHEETZ PROPERTIES,
13 LLC, a Washington corporation; and
14 FREDERICK BREIER-SCHEETZ, an
15 individual,

16 Defendants.

C16-922 TSZ

MINUTE ORDER

17 The following Minute Order is made by direction of the Court, the Honorable
18 Thomas S. Zilly, United States District Judge:

19 (1) Plaintiff's Petition for an Order to Show Cause Why Defendants Should
20 Not Be Held in Civil Contempt and for Actual and Punitive Damages, docket no. 76 (the
21 "Petition to Show Cause"), is GRANTED in part and DEFERRED in part. The Petition
22 to Show Cause seeks enforcement of the Court's October 6, 2017, Judgment in a Civil
23 Case, docket no. 61 (the "Judgment"), awarding Plaintiff damages and "forever
permanently enjoin[ing Defendants] from enforcing any occupancy restriction which
violates the Fair Housing Act, the Washington Law Against Discrimination, RCW
49.60.222(1), or the Seattle Open Housing Ordinance, Seattle Municipal Code 14.08."
Citing Federal Rule of Civil Procedure 65(d), Defendants argue that they "cannot know
whether any 'occupancy restriction' beyond the one-person per studio policy, that it
might implement, would be judged violative of the law." Defendants' Response to
Petition for Order to Show Cause, docket no. 83, at 2–3. The Court rejects this argument
and concludes that its Judgment enjoining Defendants from violating the law is valid

1 under Rule 65(d) because it sufficiently describes in enough detail what conduct is
2 actually prohibited. *Carrillo v. Schneider Logistics, Inc.*, 501 Fed. Appx. 713, 716 (9th
3 Cir. 2012); *Perez v. United States Postal Serv.*, 76 F. Supp. 3d 1168, 1198 (W.D. Wash.
4 2015) (“[T]he Ninth Circuit allows for injunctions that track statutory mandates.” (citing
5 *United States v. Miller*, 588 F.2d 1256, 1261 (9th Cir. 1978); *Freitag v. Ayers*, 468 F.3d
6 528, 537 (9th Cir. 2006)). The Court DEFERS any evidentiary hearing to show cause
7 pending Defendants’ appeal to the United States Court of Appeals to the Ninth Circuit.
8 *See* docket no. 68.

9 (2) Defendants’ Motion to Stay Pending Appeal, docket no. 84, is GRANTED
10 in part and DENIED in part. The Court STAYS (1) enforcement of the Judgment as to
11 actual and punitive damages, conditioned upon Defendants posting a supersedeas bond in
12 the amount of \$130,762.36 no later than Friday, September 7, 2018, and (2) enforcement
13 of the December 1, 2017, Supplemental Judgment in a Civil Case, docket no. 74,
14 awarding attorney’s fees and costs, conditioned upon Defendants posting a supersedeas
15 bond in the amount of \$189,762.69 no later than Friday, September 7, 2018, while
16 Defendants’ appeal to the Ninth Circuit remains pending. *See* docket no. 68.
17 Defendants’ request to stay the injunctive portion of the Judgment is DENIED.
18 Defendants have not identified what injury, if any, they or any other interested party will
19 suffer if a stay is not issued and Defendants are forced to comply with the Fair Housing
20 Act, the Washington Law Against Discrimination, RCW 49.60.222(1), and the Seattle
21 Open Housing Ordinance, Seattle Municipal Code 14.08. *See Leiva-Perez v. Holder*, 640
22 F.3d 962, 964–66 (9th Cir. 2011). The Court presumes that issuing a stay would
23 substantially injure those potential tenants denied housing under Defendants’ improper
housing policies in violation of the Fair Housing Act, *see, e.g., Manhart v. Los Angeles
Dep’t of Water & Power*, 387 F. Supp. 980, 984 (9th Cir. 1976), and the Court concludes
that, for these same reasons, issuing a stay would be against public interests.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 29th day of August, 2018.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk